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SUBJECT: AMBASSADOR AND VFM LE VAN BANG DISCUSS WTO, HUMAN RIGHTS, APEC ARRANGEMENTS, BILATERAL ISSUES

REF: A. Hanoi 551; B. Hanoi 552; C. Ho Chi Minh City 289;
[D](#). Hanoi 582; E. Hanoi 638; F. 05 Hanoi 3259

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¶1. (SBU) Summary: The Ambassador focused on Vietnam's WTO entry, practical developments in our human rights discussions, possible Congressional visits and developments in the bilateral relationship over the next six months during a March 21 lunch with Vice Foreign Minister Le Van Bang. VFM Bang confirmed that Minister of Trade Truong Dinh Tuyen plans to go to the United States in April and wants to close WTO negotiations during that visit. The Ambassador responded that the timing of closing is up to the Vietnamese: whenever they are ready to offer a "rock solid" agreement, the United States is ready to sign it. Signing the agreement would begin the U.S. Congressional PNTR process, which will lead to debates on Vietnam's human rights record, the Ambassador and VFM Bang agreed. With that in mind, Vietnam and the United States should work on practical short-term human rights steps.

¶2. (SBU) Summary, cont'd: The Ambassador and the VFM also discussed the possibility of a visit by Congresswoman Loretta Sanchez (D-CA) and related complications (based partly on the GVN's dissatisfaction with the December 2005 visit of Congressman Chris Smith (R-NJ)). The Ambassador briefed VFM Bang on his recent discouraging discussions on religious freedom with one provincial People's Committee Chairman in the Northwest Highlands, noting that provincial authorities in the Central Highlands and GVN officials in Hanoi have shown a more positive attitude towards the issue. VFM Bang confirmed that the GVN is restricting some visa issuances during the 10th Party Congress in April, and that the United States has been allocated hotel rooms for APEC in the Sheraton, Sofitel Plaza and Thang Loi hotels. End Summary.

¶3. (SBU) The Ambassador met March 21 with Vice Foreign Minister Le Van Bang and Deputy Director of the Americas Department Pham Van Que at a local hotel at the Ambassador's invitation. The previous day, Bang had met with visiting Deputy National Intelligence Officer for East Asia Terrence Markin. There was some overlap in the two conversations. VFM Bang started the conversation with the Ambassador by recapping his statements to Deputy NIO Markin about the need to "control" the Agent Orange issue. "300,000 children are victims of birth defects in every district of Vietnam, and these children need daily care," he told Markin. VFM Bang said he has discussed the issue with the business community in hopes of "finding some solutions to keep it from souring the atmosphere in advance of the President's visit." The GVN will not ask the USG for assistance directly, and "we

will keep it out of the press as much as possible." The GVN will ask businesses and NGOs to make donations to disabled children and schools.

WTO

¶4. (SBU) VFM Bang told Deputy NIO Markin March 20 that Vietnam is looking to finish WTO negotiations and achieve Permanent Normal Trading Relations with the United States before November 2006 to "create a positive atmosphere in Vietnam" in advance of the President's visit. Progress in the last round of negotiations is encouraging, and Vietnam is looking forward to further progress in the next round which will take place in Geneva in late March. "Tiny political issues remain," VFM Bang said. Vietnam hopes to formally close the bilateral negotiations during a planned visit by Minister of Trade Tuyen to Washington, DC in April. VFM Bang told the Ambassador that Vietnam believes that the United States wants to wait until June to close negotiations because that is when U.S. Trade Representative Portman will be in Ho Chi Minh City for the APEC Trade Ministerial.

¶5. (SBU) The Ambassador informed VFM Bang that the United States is not wedded to any particular date for closing negotiations, and is ready to do so "as soon as Vietnam wants, as long as the agreement is on a firm commercial basis." USTR is ready to close as early as this weekend if Vietnam presents a serious and acceptable agreement. "We are not going to hold things up unnecessarily," the Ambassador said. "The timing is in your hands."

¶6. (SBU) VFM Bang was gratified to hear this, and noted that in his recent meetings in Washington he spoke with Senate and House of Representatives staffers and asked them to pass a Vietnam PNTR resolution as quickly as possible. U.S. business community representatives told him that "we can get

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PNTR easily if we have a rock-solid bilateral WTO agreement," VFM Bang reported. The Ambassador agreed that it will be easier for Vietnam to get PNTR if the final bilateral agreement is built on a rock-solid foundation, but "there are issues that have to be solved." The United States is willing to negotiate actively, and has offered new papers on automobiles and banking; however, Vietnam will also have to be proactive to close the negotiations with a good agreement. For example, it will be necessary for Vietnam to address the perception that by giving zero percent tariffs to Chinese pork and beef products, Vietnam has advantaged China over U.S. pork and beef producers. VFM Bang replied that Vietnam believes that both sides have the political will to finish negotiations, with the sole concern that if the business community wants something "extraordinary" beyond both WTO standards and what the Vietnamese have already granted to Australia, Canada and the EU, there might be some trouble. The Ambassador assured VFM Bang that the outstanding issues on the U.S. side will not be surprises to Vietnam. He cautioned VFM Bang that the United States will also consider the multilateral Working Party document in its PNTR decision. VFM Bang said Vietnam understands this, and also that Vietnam's receiving WTO member treatment from the United States depends not only on acceding to the WTO but also on Congress granting PNTR.

PNTR Will Trigger a Human Rights Debate

¶7. (SBU) The Ambassador warned VFM Bang that the debate in the United States before the Vietnam PNTR vote will likely address issues beyond trade. In particular, human rights will be considered. VFM Bang said Vietnam is well aware of this, and that the issue is part of "step two" of Vietnam's WTO strategy, which includes the positive Human Rights Dialogue held in Hanoi in February, 2006 (Refs A and B). DRL Assistant Secretary Barry Lowenkron came away from the

February dialogue "positive," but the United States is still looking for concrete progress to demonstrate that the Dialogue was results-based, the Ambassador stressed. VFM Bang asked "hypothetically" what steps Vietnam could take in the short term that would have the strongest impact on the U.S. perception of Vietnam's human rights record. The Ambassador answered that releasing high-profile political prisoners such as Pham Hong Son would make a strong impact. VFM Bang asked if the United States is prepared to accept Pham Hong Son if Vietnam frees him on the condition that he leaves Vietnam. The Ambassador said that this would be up to Son to decide, but that a case could be made for his legal entry into the United States. VFM Bang noted that Vietnam might also be able to consider granting a prison visit in accordance with USG requests. He added that Do Van My, a prisoner of concern to the United States, is scheduled to be released imminently and may already have been released.

¶ 8. (SBU) In addition to prisoner releases, the Ambassador said that progress on long-term human rights issues, such as Decree 31 and restrictions on the Internet, would be well received in Washington. A clear signal that Vietnam takes these issues seriously and is ready to move to address them would add to the substance of the Human Rights Dialogue. He advised VFM Bang that Congressman Chris Smith will be holding a hearing on Human Rights, including Vietnam, on March 29. Administration officials will testify and will convey a "balanced" message on Vietnam, especially on religious freedom.

Religious Freedom: Good and Less Good Results from Recent Travel to the Central and Northwest Highlands

¶ 9. (SBU) The Ambassador said he had good trips recently to the Central Highlands and the Northwest provinces of Son La and Hoa Binh (Ref C). He said he came away from the Central Highlands believing that local officials understand the importance of the religious freedom issue and are willing to move forward on it. The Son La trip, however, was less positive; though the religious community in Son La is significantly smaller than the community in the Central Highlands, believers there continue to face real problems. The Chairman of the Son La People's Committee said that there are "no believers," a dishearteningly untrue statement. On the positive side, Chairman of the Religious Affairs Commission (CRA) Ngo Yen Thi has been in contact with the Embassy and has made encouraging statements about focusing on religious freedom problems in the Northwest Highlands (Ref D).

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¶ 10. (SBU) VFM Bang said that the GVN leadership is trying to get the rest of the bureaucracy, at the central and provincial levels, to focus on religious freedom and ethnic minorities. However, the GVN is still sorting out problems caused by some people in religious areas who mix religion and politics. Specifically, VFM Bang singled out Father Nguyen Van Ly, who recently sent a public letter to the Australian Parliament urging the abolition of the Communist Party in Vietnam, and Buddhist patriarch Thich Quang Do, whose individual and family political activities go back many years.

Vietnam Human Rights: Just like the United States. Sort of.

¶ 11. (SBU) Launching into a somewhat disjointed defense of Vietnam's current state of political development, VFM Bang urged the Ambassador to consider Vietnam as "a young country and society, just like the United States was immediately after independence from Britain." Recently, Vietnam has experienced "more debate over ideas." (And there should be more of that, the Ambassador interjected.) In the 1950s,

VFM Bang continued, the United States experienced McCarthyism, when many people were accused of being un-American. Vietnam is in that period now, with some people quick to challenge the patriotism of anyone who questions official policy. The GVN and the CPV see political instability in other states in Southeast Asia such as Thailand and the Philippines, and perceive that this has a negative effect on the economy. "This cannot be tolerated," Bang said. "We need a strong government to lead the economy and allow Vietnam to weather severe challenges, such as SARS and Avian Influenza." A truly strong government, the Ambassador countered, must be able to accept criticism from any source and would be further strengthened by a robust and free NGO community and private press.

¶12. (SBU) The United States should look at Vietnam in its own context, VFM Bang said. "Our system is not different from yours, where you hold terrorists in Guantanamo Bay without trial and engage in wiretapping and surveillance of American citizens without court orders." Changing tack, he shifted to a timeline defense of Vietnam's human rights policies: "Twenty years ago, no one would have suggested that we would have a market economy and that the Communist Party would admit businessmen, but here we are. Maybe twenty years from now, we will be commenting about the equally surprising changes in the political system."

¶13. (SBU) Leading Bang back to the present, the Ambassador noted that U.S.-Vietnam discussions on religious freedom and human rights "are not going to be over," even if the PNTR effort is successful. There will continue to be issues and cases that our governments will have to address. The crucial component of this interaction will be constructive and practical dialogue. We need to work to ensure that the Human Rights Dialogue shows practical results. With that in mind, the United States is still very interested in receiving a province-by-province breakdown of religious freedom developments as promised in the past. A recent report provided to the Embassy by the CRA (Ref. E) was appreciated, but insufficiently detailed. Another positive step the United States and Vietnam can take is to facilitate discussion and dialogue between the GVN and some of its fiercest critics in the United States Congress. The visit by Congressman Chris Smith was a success in this regard (Ref F). Another opportunity has emerged with the possible upcoming visit of Congresswoman Loretta Sanchez (D-CA), the Ambassador said.

GVN Frustration with Rep. Smith and Worries about Rep. Sanchez

¶14. (SBU) VFM Bang said he was very disappointed with the outcome of the Smith visit. Smith had promised to work cooperatively with Vietnam on the issues of combating trafficking in persons (TIP), preventing abortion and promoting religious freedom. Out of three issues, Smith had acted on only one (religious freedom) and done so in a negative way by making a statement urging the linkage of Vietnam's WTO entry with the human rights situation. As a result, VFM Bang's superiors in the GVN have criticized him and questioned why Vietnam welcomed Congressman Smith's visit at all. The Ambassador noted that to a passionate believer like Rep. Smith, progress on these important issues will always seem too slow. Furthermore, the issue of

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Congressional consideration of Vietnam's WTO entry through the PNTR vote will inevitably touch on Vietnam's human rights situation, something that the GVN should already recognize. (Note: In his meeting with Deputy NIO Markin, VFM Bang acknowledged that Vietnam is aware of Congressional resistance to Vietnam's entry into the WTO, especially from Congressman Smith and Senator Sam Brownback (R-KS). "We know we cannot please them, but we can give you the ammunition to fight for us. We will make progress on

religion, Montagnards, the Central Highlands, etc., to create a positive, conducive atmosphere between now and the end of the year," he pledged. End Note.) Preventing visits by critics such as Congressman Smith or Congresswoman Sanchez only gives them more of a reason to criticize Vietnam and reduces their exposure to the true situation, the Ambassador observed.

¶15. (SBU) Exasperated, VFM Bang protested that as a result of the Smith visit he had "taken fire from the front and from the back," facing criticism from Chris Smith directly and also from "conservatives" in Vietnam who questioned VFM Bang's judgment in encouraging the visit. "I would rather just face criticism from Congressman Smith," VFM Bang said, "which is normal and expected. You have to consider the Vietnamese domestic political situation as well." The Ambassador told VFM Bang that the visit to Vietnam altered Congressman Smith's opinion and gave him a more realistic understanding of the situation that would, over time, be to Vietnam's benefit. The same benefits will accrue from a visit by Congresswoman Sanchez. She has proposed a visit from April 11-16, he added.

Sanchez Visit: Not Before National Party Congress

¶16. (SBU) "Oh dear me, no, no, no, no, no," VFM Bang replied. "The National Party Congress starts the 17th of April, so that is the most sensitive possible time. She must come later." VFM Bang conceded that Congresswoman Sanchez has a standing invitation to visit Vietnam from Vice Chairwoman of the National Assembly's Foreign Affairs Committee Madame Ton Nhu Thi Ninh, so the issuance of a visa is not really in doubt, but to ensure the visit is as successful as possible and does not result in negative consequences, it should be rescheduled for after the Party Congress. The Ambassador suggested that the best thing the GVN could do is to explain to Congresswoman Sanchez that the April dates are not convenient and then suggest a specific alternative date consistent with the U.S. House of Representatives' probable recess periods. In addition, the GVN could soften the blow of the postponement of the visit by agreeing in advance to Congresswoman Sanchez' request to see one or two high-profile prisoners of concern, such as Pham Hong Son or Nguyen Vu Binh. Looking pained, VFM Bang noted that such a request would be "very sensitive."

Ambassador: How About ESF, Peace Corps, PSI, Repatriation Agreement?

¶17. (SBU) Switching gears, the Ambassador said the United States is looking for practical evidence of our growing, beneficial bilateral relationship in advance of the President's November trip. He highlighted the Maritime Agreement, which is proceeding, and raised the possibility of establishing a U.S. Peace Corps presence in Vietnam. The Peace Corps would be an excellent addition to bilateral relations, and a significant number of high-level officials in the United States cooperated to recommend that Peace Corps come to Vietnam. He urged VFM Bang to agree to allow a Peace Corps assessment team to come to Vietnam to discuss the issue. VFM Bang said it is clear to him that high-level USG officials are enthusiastic about the program. The GVN will consider the possibility carefully.

¶18. (SBU) The Ambassador also noted that the U.S. Congress approved USD two million in ESF to be spent on the Central Highlands in Vietnam, and discussions of possible projects are ongoing. The USG would like to see one or more projects up and running as soon as possible and will want to highlight this assistance during the President's trip. Gia Lai and Kon Tum provincial officials are excited about the possibility, the Ambassador told VFM Bang. The USG welcomes additional GVN ideas and suggestions.

¶19. (SBU) In the lead-up to the President's visit, the Ambassador continued, it would be useful to see progress on

a few issues of high importance to the United States.

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Vietnamese endorsement of the Statement of Interdiction Principles of the Proliferation Security Initiative would be a very positive step, as would the Vietnamese acceptance of a repatriation agreement to handle the cases of Vietnamese citizens who are no longer eligible to live in the United States because of criminal convictions. Another issue that needs to be addressed is the problem of the visa status of the additional staff members the USG needs to hire through the International Organization for Migration to work on Humanitarian Resettlement.

Pre-Party Congress Visa Restrictions Confirmed

¶20. (SBU) The Ambassador asked VFM Bang about recent reports that Vietnam would suspend or slow down visa issuance in the lead-up to the 10th Party Congress in April, and again in November during APEC. VFM Bang confirmed that "there may be a slowdown" and agreed that a formal policy statement would be useful. (Note: MFA officers subsequently confirmed to Poloff that the MFA will reduce (and is reducing) visa issuances to "unannounced" and unsponsored travelers. "There will be no problems at the airport for visa holders," the MFA official said, "and there will be no problem applying for visas for sponsored travelers and those with invitations, as well as those applying through established tour and travel agent channels." The GVN is tightening security in advance of the Party Congress and so wants to ensure that GVN officials have a point of contact in Vietnam for all foreign visitors. This will make it difficult or impossible for independent travelers without specific Vietnam contacts to obtain visas during this "sensitive period," the MFA staffer acknowledged. End Note.)

APEC Prep: Hotels and Procedures

¶21. (SBU) A related issue, the Ambassador said, is preparation for APEC. The United States needs an easier process for accreditation and visa issuance for APEC delegates, and needs that process to be explicit and transparent. In addition, the United States is seeking confirmation that its hotel accommodation requirements will be met. VFM Bang said the Sheraton in Hanoi has been allocated to the U.S. delegation in its entirety, as well as the Thang Loi Hotel. He also said the Sofitel Plaza will be available. (Note: Two-thirds of the Sofitel Plaza has already been allocated to other delegations, and we have not received written confirmation of our allocation of the remaining rooms there. Even with that confirmation, we remain 400-450 rooms short. End Note.)

MARINE